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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

December 17, 2015

KEITH B. ASHDOWN, STAFF DIRECTOR  
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The Honorable Jeh Johnson  
Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Avenue, NW  
Washington, DC 20528

Dear Mr. Secretary:

We understand that the Department of Homeland Security (DHS) is now conducting a review of its process for screening foreign nationals seeking to enter the United States on a visa. We write regarding a specific aspect of that process: the review of social media activity by visa applicants for warning signs of support or propensity for terrorism.

Recent reports state that DHS has effectively barred the screening of visa applicants' social media activity — including public posts — with the exception of one or more pilot programs.<sup>1</sup> Specifically, former DHS Undersecretary for Intelligence and Analysis John D. Cohen has said that “immigration officials were not allowed to use or review social media as part of the screening process” at least during his tenure, which concluded in June 2014.<sup>2</sup> According to Mr. Cohen’s account, DHS leadership “refused” requests from U.S. Citizenship and Immigration Services (USCIS) officials and Immigration and Customs Enforcement (ICE) officials to end a DHS policy “that prohibited immigration officials from reviewing the social media messages of all foreign citizens applying for U.S. visas.”<sup>3</sup> Mr. Cohen stated that the immigration enforcement authorities’ request for revised policy guidance was blocked by DHS leadership, despite the fact that “[i]mmigration, security, [and] law enforcement officials recognized at the time that it was important to more extensively review public social media postings because they offered potential insights into whether somebody was an extremist or potentially connected to a terrorist organization or a supporter of the movement.”<sup>4</sup>

To assist the Subcommittee in better understanding the scope and justification for this reported policy and practice, please provide the following information:

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<sup>1</sup> Brian Ross, *Secret US Policy Blocks Agents From Looking at Social Media of Visa Applicants, Former Official Says*, ABCNews.Com, Dec. 14, 2015, [abcnews.go.com/US/secret-us-policy-blocks-agents-social-media-visa/story?id=35749325](http://abcnews.go.com/US/secret-us-policy-blocks-agents-social-media-visa/story?id=35749325); Damian Paletta, *U.S. Working on Plan to Scrutinize Social Media in Visa Reviews*, WALL STREET JOURNAL, Dec. 14, 2015, [www.wsj.com/articles/u-s-working-on-plan-to-scrutinize-social-media-in-visa-reviews-1450122633](http://www.wsj.com/articles/u-s-working-on-plan-to-scrutinize-social-media-in-visa-reviews-1450122633).

<sup>2</sup> See Ross, *supra* n. 1.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

1. At any point from January 1, 2012, through July 30, 2014, did the Department of Homeland Security have in place any policy or guidance governing the extent to which their various components could access, review, or monitor social media activity of visa applicants as part of the screening process? Please provide a copy of any such policy and any document concerning the rationale for the policy.
2. At any point from January 1, 2012, through July 30, 2014, did USCIS or ICE request or propose that the Department of Homeland Security adopt a new policy, or revise an existing policy, governing review of social media activity of visa applicants as part of the screening process? If so, please provide documents sufficient to show the details of and rationale for any such request or proposal and the Department's response to it.
3. Did the DHS's Office of Civil Rights and Civil Liberties, Office of Privacy, or Office of General Counsel provide any analysis or recommendations concerning review of social media activity of visa applicants as part of the screening process? If so, please provide that analysis or recommendation.
4. Any guidance concerning review of social media accounts of visa applicants.

Please submit the material responsive to this request as soon as possible, but in any event no later than January 12, 2016. In order to expedite the Subcommittee's review, we ask that you submit the material responsive to this request as it becomes available, rather than waiting to provide it all at once. To avoid unnecessary delays in connection with this production, we ask that you carefully review the attached *Procedures for Transmitting Documents to the Permanent Subcommittee on Investigations*.

Please send any official correspondence relating to this request to the Subcommittee Chief Clerk, Kelsey Stroud (Kelsey\_Stroud@hsgac.senate.gov). Thank you for your assistance with this matter.

Sincerely,



Rob Portman  
Chairman  
Permanent Subcommittee on Investigations



Claire McCaskill  
Ranking Member  
Permanent Subcommittee on Investigations